

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

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In the Matter of)	
)	
CERTAIN PLASTIC MOLDING MACHINES)	
WITH CONTROL SYSTEMS HAVING)	
PROGRAMABLE OPERATOR INTERFACES)	Investigation No. 337-TA-462
INCORPORATING GENERAL PURPOSE)	
COMPUTERS AND COMPONENTS)	
THEREOF (II))	
_____)		

NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING
A MOTION FOR SUMMARY DETERMINATION THAT THE ECONOMIC PRONG
OF THE DOMESTIC INDUSTRY REQUIREMENT REGARDING THE PATENT
AT ISSUE HAS BEEN MET; NOTICE OF DECISION TO STRIKE A PETITION FOR
REVIEW; NOTICE OF DECISION TO DENY MOTION FOR LEAVE TO FILE A REPLY

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 9) issued by the presiding administrative law judge in the above-captioned investigation granting a motion for summary determination that the economic prong of the domestic industry as to the only patent at issue in the investigation has been met. The Commission has also determined to grant a motion to strike one petition for review as untimely and to deny a motion for leave to file a reply.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be

viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: On August 23, 2001, the Commission instituted this investigation, based on a complaint filed by Milacron Inc., of allegations of section 337 violations in the importation, sale for importation, and sale after importation of certain plastic molding machines and components therefor that infringed U.S. Patent No. 5,062,052, as amended by Reexamination Certificate B1 5m 962,052 (the '052 patent). 66 *Fed Reg.* 44374. Eleven respondents were named in the complaint. On November 7, 2001, the Commission determined not to review an ID terminating four respondents from the investigation on the basis of settlement agreements.

On October 17, 2001, Milacron moved pursuant to Commission Rule 210.18, 19 C.F.R. § 210.18, for a summary determination that it had provided sufficient proof of the "economic" prong of the domestic industry requirement of section 337, regarding the '052 patent, the only patent at issue in the investigation. The motion was opposed by the respondents remaining in the investigation, and supported by the Commission investigative attorney.

On November 1, 2001, the administrative law judge issued an ID (Order No. 9) granting Milacron's motion. Respondents Sidel S.A. and Sidel, Inc. (Sidel) filed a petition for review of the ID on November 8, 2001. Respondents Dr. Boy GmbH and Boy Machines (Boy) filed a petition for review on November 13, 2001. On November 14, 2001, complainant Milacron filed a motion to strike Boy's petition as untimely. On November 16, 2001, Milacron and the IA filed responses to Sidel's petition for review. On November 21, 2001, Sidel filed a motion for leave to file a reply to Milacron's opposition to Sidel's petition for review.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42 (h)(3) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.42(h)(3).

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: November 29, 2001

